

power to deprive themselves of these powers. They were

ultra vires, and could not be disposed of, and his opinion, therefore, was that the Council had the power to amend money bills. In the face of this, where were the judges? The truth is that the Lord Chief Justice and Westwood gave two opinions, and that one was valueless because it contradicted the other? Then, for Sir James Martin, who was alive and among us, he did not think it desirable, because he was a judge, that he should unacceptably contradict the Lord Chief Justice. The opinion of a gentleman whose opinion stood as high as that of any one now existing, or likely to exist, in this colony. He was one of the committee by which that very bill was framed, and so far as the Council was concerned, he was not a party to it. Those who advocated it. On one occasion, when Sir James

Martin was a member of the other House, whose rights he might therefore be supposed to uphold, and by which he was kept in office, he expressed himself in terms utterly free from doubt that the Council had power to amend money bills. Thus the two men who had had most to do with the framing of our Constitution Act said this, and yet gentlemen who professed to revere them rejected their opinions when used against them. He would take up now the reasons that might be brought for and against the existence of that right. His first point had been to show that the

right existed. The first thing brought against its existence was the irresponsibility of the Council. Members of Parliament in the other House were, it was said, responsible to their constituents, but the members of the Council were not. It was a Council of Ministers, and Ministers were responsible. I feel on this point—Sir Robert Peel, to whom a very large proportion of our fellow-subjects owed a great extension of the liberties they possessed, and who had more than even Mr. Colclough to get the people changed. He was a great man, and a great friend of the people. I have heard that before. I replied that the peers were not responsible in the same sense in which the House of Commons were responsible; but in their responsibility to God, to their own conscience, and to enlightened public opinion, the

Duties—(loud and enthusiastic applause); yes, but what I there uttered met in the place where I stated it a very different reception from that which it meets in this assembly. (Loud cheers.) Now, gentlemen, if it is a vital objection to the House of Peers that they are not directly and immediately responsible to the people, let me ask you, my friends, whether there be not other political bodies invested with high privileges which are in the same sense irresponsible also? The House of Commons certainly are responsible to their constituents; the Ministry is responsible to the Parliament; the Privy Council is responsible to the Ministers; the Admiralty is responsible to the Admirals; the War Office is responsible to the Secretary of State; the Colonies are responsible to the Colonies; the India Office is responsible to the India Company; the East India Company is responsible to the Government; the Government is responsible to the Nation; the Nation is responsible to the People. (Loud cheers.) You have selected a certain class from the whole of the people. You have qualified them for the exercise of great powers. You have invested

Some 500,000 of 600,000 persons are great pleasure to the nation, but the other 100,000 are not. The latter are not selected for any peculiar qualifications. You can administer no test by which the fitness of a man to exercise the elective franchise may be determined. Does the right accrue from any merit of the holder, from superior talents, from superior wealth, or from superior birth, in one half of the cases. One half of the whole privilege has the fatal effect of being hereditary; and as to the other half, any man, whether he can read or not, may acquire and exercise it, if he situate a house of sufficient value. Here, then, is a privilege, political property, which is not to be have any of the usual tests of the exercise of its powers, and discharge of its functions, beyond that which exists in the case of the House of Lords? To whom is the

constituent body responsible? Is there any responsibility for any failure of the House of Lords? I think that the answer to these questions is that the House of Lords is responsible for managing the House of Lords—responsibility to God, to their own consciences, and to an intelligent disinterested public opinion? Public opinion?—a powerful check, no doubt. But this check is not to exist for the constituent body. They are to vote by ballot. They are responsible for what whatever—say, more, no knowledge of what they do or how they exercise their power. He did not know, nor did he by any means think, that that applied to the enlightened body of electors in this colony. He believed that the House of Lords would be made known to the voters for approval. This House was one which only contained men of education, of intelligence, and of

position, having regard for the country. But there were among the electors men as indignant and highly educated as any in the country, who were not prepared to give any vote to a fairly put to them, and they stated their determination upon it, they would find some difficulty in retaining their present places. This was a reason against the right he referred to. For if there was, that the members of the House were not to be taken into consideration on the basis of the perfect honesty of their opinions. There might be some such thing in the originating House as looking for popularity. It might be that for the sake of their retaining their places (he was not suggesting any erudite motto for the night) they might be tempted to do so in the country, they might be led into error, and if so this House, being not responsible to the electors, might correct

their errors. Error might exist in the most enlightened ; and if this House did not exercise its power to amend necessary bills except for the purpose of correcting errors, it would be as a judge than as an advocate. He said this rather as a judge than as an advocate, and had stated both sides alike. The next point to be considered was the expediency of exercising this power. If the House never exercised it except to correct errors, and errors were made on the part of the other House, it might be expedient that it should continue. If they took it away altogether some inconvenience might arise, and the House might be driven to reject a bill instead of amending it, and the inconvenience would be formed in the same manner. Rightly or wrongly, the *Lower House* in England and the *House of Assembly* in

This colony had disputed the right and the power of this House to exorcise it. He thought that to the end of time they would so dispute it, and that this House and Congress would be constantly engaged in a long and unprofitable and vain warfare. The question of expediency and expediency would pass by. It was a fact that it existed, and there were reasons for and against it. And now, to come to the important point of the Stamp Duties Bill, which was the subject of the debate, he would speak in spite of misrepresentation. What had been done with that? There came up here the Stamp Bill; should he be offending a rule of the House in alluding to what had been done before, for, if so, he could refer to it in another way? The House was to be asked to pass a bill which was to be a plain and simple bill, and not to be subjected to a long and tedious and unprofitable and vain warfare. But the House

found in the bill, at section 14, these words: "Unless it be otherwise expressly enacted, any unstamped instrument executed in any part of the colony, or relating wheresoever to any property situated wholly or partly therein, shall be void as to all or any part of the said colony, shall not, except in criminal proceedings, be inadmissible in evidence, or available or effectual for any purpose whatsoever in law or equity." The meaning was that all instruments, wherever executed, were to be stamped or stamped abroad. But he understood that some of the judges had given his opinion that no law was to be deemed retrospective unless it was found that no other construction could be placed upon it. Well, no man would hesitate to say that that, taken by itself, was a thing of great importance.

(Mr JOSEPH ROBERTSON.)

son: "All barristers are not lawyers. I know a gentleman who was a very good lawyer, and not a barrister." Well then there was the 23rd clause: "Every person who shall issue, inform, intend, use, or give any bill, or promissory note, or any other writing, in which he shall be liable to duty and not duly stamped, and every person who shall take or receive from any other person any bill or note not duly stamped, either in payment or as a security, or by purchase or otherwise, without such stamp, shall be liable to a penalty not exceeding twenty pounds, and shall be bound to recover the same, or to make the same available for any purpose whatever, until the same shall be duly stamped. Provided that nothing herein shall relieve

If they took this clause alone, would any reasonable man say that there was not room to doubt, the result of which would be litigation, and fees for the lawyers? And then there might be differences of opinion on the Bench. Some of the Supreme Court Justices might say that the clause was made liable by a retrospective reading of the clause. [MR. SAUNDERS: That would not be law.] He was not discussing that now. He was not dealing with the point as to what the whole bill together might mean. The bill did remove a doubt in the minds of the people, and if they stood alone, they stood alone, and it was very possible that there might be a construction different from his. He thought there was also other ground for doubt. The bill was very strangely drawn, and

He returned to the Council at 40 as he at first thought referred to probate duties, and succession and legacy duties. He knew that there were large sums unpaid, and as the clause stood he at first thought it was meant to take in the persons who ought to have paid. But he could not see how it could be intended to refer to the payment of the duties by the persons who had committed the offence of dying after the commencement of this Act. This was the point of importance for them to consider. Was there a doubt which might occasion litigation? (Cheers.) If so, and he thought there was, it was not the matter which was right to be considered. It was not the matter which was right to be taken up by the Council to make a master class or to alter the bill materially to take away revenue might have been very wrong, but the representatives of the Government said that it was

not the intention of the House did this House did was literally to carry out the intentions of the Government. (Cheers.) That was all the cause of quarrel against this House, and why it was said to be unworthy of the confidence of the country. Why, the thing was abominable! (Cheers.) The amendment had been introduced and supported because their pockets would be affected by it. Such an insinuation ought to be clearly repelled before the House and the country. The amendment was made because in his opinion and in the opinion of his majority it was a just and proper amendment, and that it should be made, so as to show clearly what the intention of the Act was. Another calamity was, that the House had been led in this matter by persons interested out of doors—merchants,

bankers, and State Comptroller, that the property in bills amounted to hundreds of thousands of pounds? An argument, considered to be a strong one, was this, that if the amendment was so important as was alleged, it should not have been made. The amendment was important. It did not alter the intentions of Ministers or the Assembly. It did not alter the law. That out away the argument of the Government. But the amendment was important and substantial, because if there were really a doubt, it was necessary, to prevent serious consequences, to remove the doubt. The first question was, whether the amendment was made. The course of the debate has been pursued elsewhere upon the making of that amendment, and the course which has been pursued

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will be going so far as this measure. He moved that the bill be read a second time that day six months.

Mr. DANIEL would vote for the amendment. The representatives of the people would not be surprised to see the representatives of the Constitution Act. The should not attempt so important a measure when the two Houses were in a state of discord. The Constitution ought not to be changed after it had worked some great public mischief, or when some great public mischief was about to be done. The bill was a measure of the House giving up the right it possessed. He maintained that it had exercised this right in the Stamp Duty Bill by amending a technical error in a way which was highly beneficial to the country.

Mr. JOHN ROBERTSON supported the bill, though he did not like all that he could desire. He said that the Government or Assembly sought to degrade the Council in seeking to press upon it a measure of the description now introduced. It was, he contended, essential to the harmonious working of the Government that the Council should be able to do its duty. Mr. WENTWORTH, Sir James Martin, and Sir Terence Aubrey Murray, in support of the view that the Legislature should not interfere with money bills.

After some remarks from Mr. FASZAR in support of the bill, and from Mr. WENTWORTH in opposition to it, the bill, as amended, was carried by a majority of 11 to 10. Mr. DANIEL, the mover of the amendment, was the only member of the Legislative Council who voted against the bill.

carried after a Division (yeas 18, nays 16) by the casting vote of the President.

The House adjourned at sixteen minutes past 11 o'clock until the usual hour on Tuesday next.

In the Legislative Assembly, yesterday, Ministers answered questions put by Mr. Groszila, Mr. Humeby (Haseety), and Mr. Dangar, respecting the railway charges for the freights of flour and sugar from Newcastle to Tamworth, the returns last year at Redfern, Wagga Wagga, and other railway stations, and the decision arrived at in the matter of the conditional purchase of Mr. Cavenagh at Derridy Creek.

It was resolved on the motion of Mr. FURNA, that

the name of Mr. Barbour he added to the Select Committee on Assisted Immigration.

MR. MACINTOSH presented a petition from the Working Men's Defence Association, expressing alarm at the arrival of 260 Chinese in the city of Sydney, and praying the consideration of the House.

SIR HENRY PARKES laid on the table copies of by-laws under the Public Vehicles Regulation Act, and it was ordered that the documents be deposited.

MR. HOSKING moved the second reading of the Forfeited Conditional Purchases Declaratory Bill, the necessity for which had arisen in consequence of the decision of the Supreme Court in the case Blackburn v. Flavelle, in which it was held that forfeited selections

could not be re-selected, and could only be "displaced" by auction. That decision placed the titles of three members of selectors in jeopardy, and the Government advised it to be their duty to bring the 18th section into force to declare that selections made under this section of the Crown Lands Alienation Act were legal. The Department of Lands and Forfeited selections to be re-selected, and the practice was in accordance with the preservation of the House, and had been supported by the Attorney-General Sir Alfred Stephen, given when he was Chief Justice, also by the opinions of Mr. Darvall and Sir John Martin, given when they were in office as law officers and advisers of their respective Governments. It seemed to him, as it appeared to these eminent lawyers, that the words of the 18th section were perma-

ive, and not mandatory, that it was there-
fore competent for the Minister for Lands to
authorize the sale by auction or the re-selection of the
alienated lands which had not been imported to the ex-
tent of one pound per acre as he might in his discre-
tion think best. He also thought the cases of *Drin-*
water v. Arthur, and Peterson v. Prowse, which were
referred to by the Supreme Court, were not parallel
with *Blackburn v. Flavelle*, as the same question was
not involved.

Mr. FANSELL, concurring in the opinions expressed
by the hon. Minister for Lands, and hoping that
the bill would receive the unanimous approval of the
House. He thought that, if the distinctions in
the

be observed in the working of the Act had been brought under the notice of the Court, a different decision would have been given. The Minister for Lands was doing no more than to refer the question to the proper authorities, and he was not to be criticised for that. The Government in bringing the bill into the House, and it would be a mistake to suppose that selectors were the only parties concerned.

MR. FITZPATRICK also supported the bill. He did not think a resolution of the House could modify the law, but he was of opinion that the Department of Lands was justified in authorising the re-selection of forfeitures on the authority of the legal opinions which had been quoted.

Captain CHARLES and Mr. LYNN supported the

Mr. PILCHER thought the proviso exempting from the bill selections in respect to which proceedings had been instituted prior to the 31st March, 1880, would operate in a way not contemplated by the Government.

Mr. GREENWOOD was afraid the House must pass the bill whether it liked it or not, and thought it was only an extreme necessity, such as appeared in this case, that justified the passing of a retroactive law. He thought the Minister for Lands had not told them how many selections would be affected by the bill, and yet the House was being asked to take another leap into the dark on the land question. There was legal authority for selling forfeited selections by auction, and for selecting them for grazing.

but there was no authority of the Legislature to amend them, and hence this bill. He should consent to the second reading under protest, and thought that what was wanted was not amending bills, but a new, simple, and comprehensive land bill.

Mr. Gaesner answered upon the disposition of the bill, and said that the bill was not intended to aggravate the difficulties incident to the sale of land, but to give the Legislature the power to select the mode of sale, and that the bill was not intended to give the Supreme Court the power to select the mode of sale, and that the bill was not intended to give the Supreme Court the power to select the mode of sale.

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AUCTIONEERS' NOTICE

THIS DAY, FRIDAY.
R E D E R O F S A L E.
CITY, SUBURBAN, AND COUNTRY
PROPERTIES.
to be sold by Public Auction,
at the Rooms, 1111-Street,
THIS DAY, FRIDAY,
at half-past 11 o'clock prompt.

GEORGE-STREET. Nos. 100 and 102, in George-street,
opposite Margaret-street, now in oc-
cupation of Mr. Wormald, grain. **THAT**
TOWN-AT-STREET. Nos. 10 and 12, in
Liverpool-street, on the north side, near
the water. By order of the Mortgagees.
Family Residence.

LIVERPOOL-STREET. Nos. 30 to 32,
Liverpool-street, on the north side, near
the water. By order of the Mortgagees.
Family Residence.

WOLLOOMOOLOO. Nos. 10 and 12, in
Liverpool-street, on the north side, near
the water. By order of the Mortgagees.
Family Residence.

SURRY HILLS. 23 elevated and level building Alhambra, fronting Devonshire and Miles streets, at the corner of High Ridge and Macquarie street, and vacant allotment adjoining.

RILEY-STREET. Two Residences, Nos. 323 and 325 Riley-street, west side, near first south of Adelaide-street, Surry Hills.

ALBION ESTATE. Adelaide House, No. 186, Macquarie-street South, east side, near Albion-street.

Two Houses, Nos. 193 and 194, Macquarie-street South, close to the above.

Shop and two Residences, Nos. 227, and 239, Macquarie-street, at the corner of Little Belmore-street, and two Houses at the rear.

Two Houses, Nos. 35 and 33, Foreman-

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DIOMON AND ELIZABETH STREETS.

HUNT-STREET.

DEVONSHIRE-STREET.

ELIZABETH-STREET SOUTH.

EVELAND-STREET.

street, opposite Macquarie-street.

The London Tavern Hotel, at the corner, and Two Residences, at the 264, Elizabeth-street, opposite Bond Park.

Four Houses, Nos. 7 to 13, Hunt-street, of Macquarie-street South, between Goulburn and Campbell streets.

Two Houses, Nos. 115 and 117, Ash-street, opposite Holt-street, east of Elizabeth-street.

Four Houses, Nos. 1164, Brunby-street, off Elizabeth-street, a few yards south of Devonshire-street.

Maine's Hotel and 3 Houses, Brunby-street, at the corner of Wilton-place.

Alma-terrace, six residences, Nos. 353 to 362, Cleveland-street, east of Elizabeth-street.

Lloyd's terrace, 9 houses and 2 cottages,

NEWTOWN. Three lots, at the rear of Alameda street, fronting 100 feet.

STANMORE. Five building sites, fronting Hastings street, between Wemyss and Alma streets.

SHIELD SOUTH. Cottage Residence, with 3 acres road 14 perches of land, on the corner of the next Geilding's Nursery, south of the Canterbury Road.

REDNIRE. Eight Cottages, Clarendon Road, near the residence of R. Nott, Esq., and the Railway Station.

HOMEBUSH. 7 choice building sites, lots 10, 11, 12, section 10, and 11, and 12, of the 100 acre wood estate, Homebush, first subdivision.

FAIRFIELD. 2 blocks of land, 421, 422, acres and 68

LANE COVE.
acres, being Lots 129 and 136 of the Church and School Lands.
43½ acres at the corner of the Lane Cove River,
PARRAMATTA JUNCTION.
36½ acres, off the Lane Cove Road, between the Lane Cove River & a section F. Drakewell Estate, each upwards of 12 acres, fronting Dogwood Road, Lackey and High streets.
RICHARDSON and WARREN

MURRY HILLS SUBDIVISION.
ELEVATED AND LEVEL BUILDING ALLOTMENTS,
fronting
DEVONSHIRE and LILLES STREETS,
at the corner of High Holborn and Marlborough streets.

AUCTION SALE,
at the Rooms, Pitt-street.

THIS DAY, FRIDAY,
at half-past 11 o'clock prompt.
Terms very liberal.

Title, Torrens' Act.
Librarians now ready.
RICHARDSON and WRENCH,
Auctioneers.

GEORGE-STREET PROPERTY.

SHOP, No. 228, GEORGE-STREET, opposite WAR-
GARET-STREET, for AUCTION SALE, this DAY,
Friday, at half-past 11 o'clock prompt.
Title, Torrens' Act. Terms very liberal.
RICHARDSON and WRENCH,
Auctioneers.

VEST BOTANY SALE.

WARREN'S MARKET GARDEN
and
ELEVEN ACRES OF LAND,

about 15 miles from Cook's River Dam,
for
AUCTION SALE,
ON THE GROUND,
TO-MORROW (Saturday) AFTERNOON,
at half-past 3 o'clock, by
RICHARDSON AND WENSCHE,
THIS DAY.

CLEARING-OUT SALE OF NURSERY AND SEED-BUSINESS.
TREE-STANDS, SEED POCKETS, GLASS SHOW-CASES,
PLANTS, BULBS, SEEDS, &c., &c.

W. FRITCHARD has received instructions to sell by
public auction, on the premises, **1215 N. 12TH STREET,**
LOT No. 406, George-street, THIS DAY, Friday, April 3, at
11 o'clock.

ALL THE FITTINGS, STOCK, PLANTS, FLOWER AND
VEGETABLE SEEDS, BULBS. SHOW-CASES,

FLOWER-STANDS, GAS FITTINGS, PARTITIONS,
AND DESKS OF THE HANDYKID FLOWER DEPOT,
No. 406, GEORGE STREET.

NO RESERVE. TERMS, CASH.

IN ONE OR MORE LOTS.

MAGNIFICENT BLOCK OF LAND, with DWELLING
erected thereon, fronting
THE STANMORE RAILWAY PLATFORM.

V PRITCHARD has received instructions from
a Mr. JAMES DWYER, in consequence of his departure
abroad, to sell by public auction, on the PREMISES, NEXT
MONDAY, April 14th, at a quarter to 5 o'clock,
That magnificent block of land, facing the STANMORE
RAILWAY PLATFORM, IN ONE OR MORE LOTS,
and having a frontage of 400 feet to the

by a depth of 120 feet. Upon a portion of the LAND is erected a DWELLING, containing 6 rooms and kitchen, &c.; the remainder is cultivated as an ORCHARD AND FLOWER GARDEN.

THE TRAIN LEAVES REDFERN TERMINUS at 4.30.

TITLE, FREEHOLD. TERMS, CASH.

**FOUR SPLENDID DEEP WATER FRONTAGES,
SNAIL'S BAY, BALMAIN,
Fronting the Reserve.**

PRITCHARD has received instructions to sell by auction, on the GROUND, LOUIA-STREET, BEACHVIEW ESTATE, BALMAIN, at 11 o'clock, on SATURDAY, April 17th, at 11 o'clock.

Four splendid allotments of land, each having a frontage of 20 feet to Louisa Street, Birch Grove Estate, Balmain,

by a depth of 70 feet to 50 ALL'S BAY.
The property commands most picturesque and charming views
in the neighbourhood.

It is situated on the Esplanade,
and is available at the Esplanade.
TITLE, FREEHOLD. TERMS LIBERAL.
LAND AND PROPERTY SALE ROOMS.
NEWTOWN, CAMPBELL AND ELIZABETH STREETS,
NEWTOWN.

For Positive Sale,
I AM SELLING, BY AUCTION, ELIZABETH STREET,
A 4-ROOMED HOUSE, SITUATE ELIZABETH STREET.
The property is situated in the neighbourhood of
WALMER and THOMPSON have been favoured with
instructions to act by AUCTION, at their Property Sale
rooms, on MONDAY, April 19, at 11 o'clock.
All that parcel of land, having a frontage to Campbell Street,
and a depth of 70 feet to 50 ALL'S BAY, built a 4-

Also that parcel of land, having a frontage to Campbell-street, and adjoining the above property, on which is built a characteristically modern HOUSE and kitchen, etc., also an advantage of back entrance, and now is the occupation of Mrs. Hibble.

Articles and deeds to view.

PALMER and THOMPSON, Auctioneers,
118, Pitt-street.

LAND AND PROPERTY SALE ROOMS,
118, PITT-STREET.

CAPITAL CITY PROPERTY.

59, HOWARD-STREET, OFF PARAMATTA-STREET.

PALMER and THOMPSON have been favoured with

Instructions to be read by all persons desiring to see the
 ROOMS, as above, on MONDAY, April 15th, at 11.30 a.m.
 All these PREMISES having a frontage of 16 feet to
 HOWARD STREET, by a depth of 28 feet, on which
 is built a good 4-roomed HOUSE, built of brick,
 cemented, on stone foundation, being No. 39 in the
 above street, and now in the occupation of Mr. A. L.
 EVANS.

For This Property will pay large INTEREST; TITLE is
 GOOD, and TERMS are EASY.

For PARTICULARS and CAMES to view may be had of the
 SHERKENS.

CALDERE and THOMPSON,
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DOWLING-STREET. DOWLING-STREET.

Near Coal and Oil Storages, Moore Park.

FOR UNDEVELOPED LAND.
AN ALLOTMENT OF LAND IN THIS VALUABLE
NEIGHBOURHOOD.

PALMER and THOMPSON will sell by auction, at
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11 at 11.30 a.m. sharp.

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Plot of 50 apts.

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of one hundred and thirty acres, the "Cunningham" is
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SALE by the undersigned. This splendid and commodious
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Three dining hall, 67 feet x 23 feet; Three dining
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 Apply R. Walker, Free Library.
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 Apply Johnson's House, Oxford-street.
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HOUSE to LET, near the station. Apply Mr. No.
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